

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	Case No. 1:17-cr-117-2
	)	
v.	)	District Judge Curtis L. Collier
	)	
WAYNE A. DAVIS	)	Magistrate Judge Christopher H. Steger

**ORDER**

United States Magistrate Judge Christopher H. Steger filed a report and recommendation (Doc. 57) recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Counts Five, Six, and Seven of the ten-count Indictment; (2) accept Defendant's guilty plea to Counts Five, Six, and Seven of the ten-count Indictment; (3) adjudicate Defendant guilty of two counts of distribution of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C), and one count of possession with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C); and (4) order that Defendant remain out of custody, subject to the Order Setting Conditions of Release (Doc. 9), until further Order of this Court or sentencing in this matter. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 57) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Counts Five, Six, and Seven of the ten-count Indictment is **GRANTED**;

2. Defendant's plea of guilty to Counts Five, Six, and Seven of the ten-count Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of two counts of distribution of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C), and one count of possession with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C);
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** out of custody subject to the Order Setting Conditions of Release (Doc. 9) until further order of this Court or sentencing in this matter which is scheduled to take place on **May 2, 2018, at 2:00 p.m.** before the undersigned.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**